

Served: April 23, 1992

NTSB Order No. EA-3550

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 20th day of April, 1992

BARRY LAMBERT HARRIS,
Acting Administrator,
Federal Aviation Administration,

Complainant,

SE-12397

v.

CHARLES W. FARMER,

Respondent.

ORDER DISMISSING APPEAL

The Administrator has moved to dismiss the appeal filed in this proceeding because it was not, as required by Section 821.57 of the Board's Rules of Practice, 49 CFR Part 821,¹ filed by March 27, 1992, that is, within 2 days after the law judge

¹Section 821.57(a) provides, in pertinent part, as follows:

"§821.57 **Procedure on appeal.**

(a) Time within which to file a notice of appeal and content. Within 2 days after the initial decision has been orally rendered, either party to the proceeding may appeal therefrom by filing with the Board and serving upon the other parties a notice of appeal. The time limitations for the filing of documents are not extended by the unavailability of the hearing transcript."

rendered his initial decision.² We will grant the motion.

The record establishes that respondent did not file a notice of appeal until April 5, some 7 days late. Although respondent, in a document that appears to have been intended to be both an appeal brief and an answer in opposition to the motion to dismiss, provides, among other things, an explanation for his failure to attend the second day of the two day hearing, he does not cite any reason why he could not have filed a notice of appeal sooner than he did.³ In the absence of any justification or good cause for his failure to meet the filing deadline, his appeal will be dismissed. See Administrator v. Hooper, NTSB Order EA-2781 (1988).

ACCORDINGLY, IT IS ORDERED THAT:

1. The Administrator's motion to dismiss is granted, and
2. The respondent's appeal is dismissed.

COUGHLIN, Acting Chairman, LAUBER, KOLSTAD, HART, and HAMMERSCHMIDT, Members of the Board, concurred in the above order.

²The law judge affirmed an order of the Administrator revoking respondent's Mechanic Certificate No. 402722559 with inspection authorization for his alleged violations of sections 43.3(a), 43.7(a), 43.9(a)(2), 43.11(a)(2), 65.15(c), and 65.92(c) of the Federal Aviation Regulations, 14 CFR Parts 43 and 65.

³By failing to file a timely notice of appeal, respondent forfeited his right to object not only to the findings and conclusions reached by the law judge in his initial decision, but also to the law judge's denial of respondent's request, after the first day of the hearing, for a continuance.